

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** Chairman John Esp, on March 6, 2009 at 3:00 P.M.,  
in Room 405 Capitol

#### **ROLL CALL**

**Members Present:**

Sen. John Esp, Chairman (R)  
Sen. Jeff Essmann, Vice Chairman (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ron Erickson (D)  
Sen. Kim Gillan (D)  
Sen. Verdell Jackson (R)  
Sen. Jesse Laslovich (D)  
Sen. Bruce Tutvedt (R)

**Members Excused:** Sen. Steven Gallus (D)

**Members Absent:** None

**Staff Present:** Leanne Heisel, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 244, 2/23/2009; HB 245,  
2/23/2009; HB 324, 2/23/2009; HB  
426, 2/23/2009

Executive Action: HB 426 ~ DO CONCUR  
HB 245 ~ DO CONCUR  
HB 244 ~ DO CONCUR AS AMENDED

While Chairman Esp remained at the hearing, the Chair responsibilities were handled by Senator Gillan.

**HEARING ON HB 324**

**Opening Statement by Sponsor:**

00:00:33 Rep. Elsie Arntzen (R), HD 53, opened the hearing on HB 324, Optional firearm purchase by retiring law enforcement personnel.

**Proponents' Testimony:**

00:02:23 Bob Gilbert, representing City of Glendive  
00:02:43 Jessie Luther, representing Association of Montana Troopers

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:03:23 Sen. Barkus  
00:03:48 Rep. Arntzen  
00:05:45 Vice Chair Gillan  
00:06:13 Rep. Arntzen

**Closing by Sponsor:**

00:06:26 Rep. Arntzen

**HEARING ON HB 244**

**Opening Statement by Sponsor:**

00:07:49 Rep. Duane Ankney (R), HD 43, opened the hearing on HB 244, Clarify law on absence by county officer.

**Proponents' Testimony:**

00:10:28 L. Harold Blattie, Executive Director, Montana Association of Counties (MACo), also speaking for County Treasurers' Association

**EXHIBIT**(los50a01)

**Opponents' Testimony:**

00:14:10 Daniel O'Fallon, Deputy Cascade County, also speaking  
for Sheriff David L. Castle, Cascade County

[EXHIBIT\(los50a02\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:16:16 Sen. Essmann  
00:17:13 L. Harold Blattie, MACo  
00:18:41 Sen. Essmann  
00:18:50 L. Harold Blattie  
00:18:58 Sen. Esp  
00:19:27 Daniel O'Fallon  
00:20:24 Sen. Esp  
00:21:03 Daniel O'Fallon  
00:22:01 Vice Chair Gillan  
00:22:25 L. Harold Blattie  
00:24:55 Sen. Barkus  
00:25:30 L. Harold Blattie  
00:27:47 Sen. Esp

**Closing by Sponsor:**

00:29:11 Rep. Ankney

**HEARING ON HB 245**

**Opening Statement by Sponsor:**

00:30:33 Rep. Duane Ankney (R), HD 43, opened the hearing on  
HB 245, Authorize counties to create compensated  
absence fund.

**Proponents' Testimony:**

00:32:08 L. Harold Blattie, MACo  
[EXHIBIT\(los50a03\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:35:49 Sen. Esp  
00:36:07 L. Harold Blattie  
00:36:29 Vice Chair Gillan  
00:36:50 L. Harold Blattie

**Closing by Sponsor:**

00:37:57 Rep. Ankney

**HEARING ON HB 426**

**Opening Statement by Sponsor:**

00:38:49 Rep. Mike Milburn (R), HD 19, opened the hearing on  
HB 426, Clarify appointment of commissioners for  
regional airport authority.

**Proponents' Testimony:**

00:40:51 Joe Briggs, Chairman, Cascade County Commissioner  
00:43:08 L. Harold Blattie, MACo  
[EXHIBIT\(los50a04\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:43:46 Sen. Jackson  
00:44:32 Joe Briggs

**Closing by Sponsor:**

00:45:57 Rep. Milburn  
00:46:22 Sen. Esp

**EXECUTIVE ACTION ON HB 426**

00:47:17 **Motion:** Sen. Laslovich moved that **HB 426 BE**  
**CONCURRED IN.**

**Discussion:**

00:47:39 Sen. Barkus

00:47:54 **Vote:** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy. Sen. Tutvedt will carry HB 426.

**EXECUTIVE ACTION ON HB 245**

00:49:10 **Motion/Vote:** Sen. Erickson moved that **HB 245 BE CONCURRED IN**. Motion carried unanimously by voice vote with Sen. Gallus voting by proxy. Sen. Erickson will carry HB 245.

**EXECUTIVE ACTION ON HB 324**

00:49:54 **Motion:** Sen. Jackson moved that **HB 324 BE CONCURRED IN**.

**Discussion:**

00:50:03 Sen. Esp

00:50:36 Sen. Barkus

00:50:51 Sen. Jackson withdrew the motion.

**EXECUTIVE ACTION ON HB 244**

00:51:11 **Motion:** Sen. Erickson moved that **HB 244 BE CONCURRED IN**.

**Discussion:**

00:51:27 Sen. Erickson

00:52:26 Sen. Esp

00:52:35 **Motion:** Sen. Erickson moved that **HB 244 BE AMENDED WITH A CONCEPTUAL AMENDMENT** to restore language that had been previously stricken.

**Discussion:**

00:52:48 Leanne Heisel, Legislative Services Division (LSD)

00:53:12 Sen. Erickson

00:54:00 Sen. Barkus

00:54:33 Vice Chair Gillan

00:54:44 Sen. Erickson

00:54:54 Leanne Heisel, LSD

00:55:16 Sen. Erickson

00:55:41 Sen. Jackson

00:56:29 Sen. Esp

00:58:05 Leanne Heisel

**Discussion:** (Con't)

00:58:48 Sen. Barkus  
00:59:24 Sen. Esp  
00:59:55 L. Harold Blattie  
01:01:50 Sen. Erickson  
01:02:53 Vice Chair Gillan  
01:03:35 Leanne Heisel  
01:04:12 Sen. Esp  
01:04:37 Sen. Jackson  
01:05:21 Sen. Esp

01:05:38 **Vote:** Motion failed 2-7 by voice vote with Sens. Erickson and Gallus voting aye and Sen. Gallus voting by proxy.

01:06:17 **Motion:** Sen. Barkus moved that **HB 244 BE AMENDED WITH A CONCEPTUAL AMENDMENT** to change the time period to thirty consecutive days.

**Discussion:**

01:06:36 Sen. Tutvedt left the hearing.

01:06:40 Sen. Barkus  
01:07:39 Vice Chair Gillan  
01:07:58 Sen. Laslovich

01:08:17 **Vote:** Motion carried 8-1 by voice vote with Sen. Esp voting no and Sens. Gallus and Tutvedt voting by proxy.

01:08:49 **Motion/Vote:** Sen. Barkus moved that **HB 244 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote with Sens. Gallus and Tutvedt voting by proxy. Sen. Barkus will carry HB 244.

**ADJOURNMENT**

Adjournment: 4:20 P.M.

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Debra Polhemus, Secretary

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Additional Documents:

**EXHIBIT ([los50aad.pdf](#))**